

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 56, 57, 60, 61, 65, 66, 68 and 69 are pending in the present application. Claims 56, 60, 61, 65, 66, 68 and 69 have been amended without the introduction of any new matter, and Claim 67 was canceled without prejudice.

In the outstanding Office Action, Claims 56, 57, 60, 61 and 65 were rejected under 35 U.S.C. § 112, first paragraph; Claims 56, 57, 60, 61 and 65 were rejected under 35 U.S.C. § 112, second paragraph; and Claims 56, 57, 60, 61 and 65 were rejected under 35 U.S.C. § 103(a) as unpatentable over Barney et al. (U.S. Patent No. 6,556,992, herein "Barney").

Applicant thanks the Examiner for the courtesy of an interview extended to Marc Hubbard, Applicant's representative, on July 29, 2009. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. Arguments presented during the interview are reiterated below.

Regarding the rejections of Claims 56, 57, 60, 61 and 65 under 35 U.S.C. § 112, the claims are modified in light of the comments noted in the outstanding Office Action. Accordingly, it is respectfully requested this rejection be withdrawn.

Claims 56, 57, 60, 61 and 65 were rejected under 35 U.S.C. § 103(a) as unpatentable over Barney. That rejection is respectfully traversed.

Applicant's invention is a computer implemented, on-line, system that aides inventors and other intellectual property owners promote and market their respective inventions. It accomplishes such objective through the use of a computerized communication network in which satellite computer stations (*e.g.*, personal computers) operatively and interactively connected over the communications network with the host computer (*e.g.*, Internet domain site), provide three principal distinct functions: (1) provides a data base in which the inventors or other intellectual property owners can store descriptions of their respective inventions as well as the distinctive features typifying such inventions, (2) elicits and stores consumer feedback as to the

commercial attractiveness or desirability of the inventions, and (3) provides industry (as well as inventor) access to the stored consumer opinions about the respective inventions. The computerized system of this invention therefore not only provides the inventors and other intellectual property owners means for displaying on-line pertinent data about their respective inventions, but enables valuable consumer input about such inventions, accessible by the inventor (or other intellectual property owners) as well as the industry representatives, to assist in evaluating the potential market for, or needed changes to, an invention, in order to maximize the market for such invention.

Amended independent Claim 65 is directed to a computer implemented system promoting inventions over the Internet communications network. The system includes (I) a host computer station constituting an Internet domain site connected to the communications network and having a database with stored descriptions of respective inventions and their distinctive features, (II) a publicly accessible interface in communication with the host computer station and in communication with plural consumer computer stations via the communications network, (III) a first computer program module at the host computer station selecting at least one of the inventions by reference to the stored invention descriptions and distinctive features for viewing at the plural consumer computer stations and thereafter receiving feedback data relating to a consumer desirability of the selected inventions. The first computer program module includes a survey module eliciting the feedback data from multiple users of the consumer computer stations by posing one or more questions to the users regarding the consumer desirability of products incorporating the selected inventions and consolidating their responses. The system further includes (IV) a second computer program module receiving the consolidated responses at the host computer station to provide an information summary of the consumer desirability for the respective selected inventions, (V) a restricted access interface in communication with the host computer station and in communication with plural industry computer stations via the communications network. Users of the industry computer stations are specifically identified by the host computer station as authorized to access the information summary. The system also includes (VI) a computer program module transferring the information summary to the authorized industry computer stations but not to the consumer computer stations.

Similarly, amended independent Claim 66 is directed to a computer implemented system

for obtaining informed consumer opinions over a communications network regarding the commercial attractiveness of customer inventions. The system includes (I) a host computer station connected to the communications network and having a database storing identification of customers and descriptions of respective inventions of the customers, including distinctive features of the inventions, (II) a publicly accessible interface in communication with the host computer station and in communication with plural customer computer stations via the communications network, the users of the customer computer stations being customers who own respective proprietary interests in the inventions, (III) the publicly accessible interface being in communication with the host computer station and in communication with plural consumer computer stations via the communications network, users of the consumer computer stations being consumers who constitute potential purchasers of products incorporating the inventions, (IV) a first computer program module enabling respective customer identifications and descriptions of their inventions, including the distinctive features of the inventions, from each of the customers to be received and stored in the database, (V) a second computer program module (i) enabling access by the consumers at the plural consumer computer stations to the inventions by reference to the stored invention description, (ii) thereafter receiving feedback data relating to a commercial attractiveness of products incorporating the selected inventions, the second computer program module including a survey module eliciting the feedback data from multiple ones of the consumer computer stations by posing one or more questions regarding the commercial attractiveness of products incorporating the selected inventions and responding to answers thereto constituting such feedback data, and (iii) thereafter consolidating the answers to provide respective information summaries regarding the commercial attractiveness of the selected inventions, (VI) a third computer program module receiving the information summaries at the host computer station for storage in the database, (VII) a restricted access interface in communication with the host computer station and in communication with plural industry computer stations via the communications network, users of the industry computer stations being involved with commercial transactions regarding the inventions, users of the industry computer stations being specifically identified by the host computer station as authorized to access the information summaries, and (VIII) a fourth computer program module transferring the information summaries to the industry computer stations but not to the consumer computer stations.

Amended independent Claim 69 is directed to a computer implemented system promoting inventions over the Internet communications network. The system includes (I) a host computer station connected to the communications network and having a database with stored invention information, including confidential invention information and non-confidential invention information, (II) a restricted access interface in communication with the host computer station and in communication with at least one industry computer station via the communications network, (III) a computer program enrollment module enrolling an industry representative user of the industry computer station as an industry representative wishing to access the confidential invention information, the enrollment module conditioning such access upon the industry representative executing a confidentiality agreement regarding the confidential invention information, and (IV) a computer program invention disclosure module selectively granting the industry representative user access to the confidential invention information upon execution by the industry representative user of the confidentiality agreement but not to other users.

In a non-limiting example, Figures 1, 5 and 5A illustrate a system for promoting inventions. The promoting of inventions may include advertising intellectual property available for license or sale and obtaining feedback (see, *e.g.*, page 1, lines 2-4). The present invention recognizes that it is desirous to provide relevant information regarding inventions (including without limitation feedback information and distinctive features of the invention) to consumers and to industry representatives in order to increase the consumer's and/or industry's understanding and appreciation of the intellectual property and any related product (see also page 14, lines 2-6). Such information may include survey information (see also page 14, line 9 to page 14, line 16). As shown in Figure 1, the system of the present invention includes a host station 12 in communication with customer stations 14, industry stations 16 and consumer stations 18 (see also page 7, lines 10-13). According to one embodiment, host station 12 is an Internet domain site and customer stations 13, industry stations 16 and consumer stations 18 are each personal computers in communication with the host station over the Internet (see also page 7, line 14-16). A consumer station 13 includes a customer that holds intellectual property and that desires to enter into an arrangement with a third party, such as a license agreement, assignment, sale, joint venture, obtain loans, obtain feedback, etc. (see also page 8, line 16 to page 9, line 2). A industry station 16 includes an industry representative that desires to enter into an arrangement with a third party, such as a license agreement, assignment, sale, joint venture,

obtain loans, obtain feedback, etc., for the purpose of financing, making, selling and/or distributing intellectual property (see also page 9, lines 3-10). A consumer station includes a consumer representative that may potentially purchase a product or products based on the intellectual property (see also page 9, lines 11-13). The system 10 includes a survey module 40 which, according to one embodiment, provides questions to a user and receives the user's input. The questions may ask for information relating to the intellectual property or product, such as overall rating, likes, dislikes, price or price range, likelihood of purchasing the product. Survey results are tabulated for each intellectual property item and displayed, along with any consumer comments (see also page 14, line 9 to page 15, line 16). The pertinent industry may ascertain from the tabulated results whether the intellectual property or product would meet the industry's goals. Likewise, the customer may benefit from survey results by determining whether more energy should be devoted to product development and/or intellectual property protection (see also page 14, line 9 to page 15, line 16).

In a non-limiting example, Figure 2 illustrates the host station in greater detail. Host station 12 includes a public access module 20 (*i.e.*, **a publicly accessible interface**) that is connectable to industry stations 16, consumer stations 18, and customer stations 14 (see also page 9, lines 14-17). Host station 12 also includes a private access module 22 (*i.e.*, **a restricted access interface**) that is connectable to industry stations 16, consumer stations 18, and customer stations 14 (see also page 9, lines 14-17). The public access module is in turn connected to a public view module 26 and the private access module 22 is in turn connected to a private view module 28 (see also page 10, lines 1-3). At least some of the information may be provided by host station 12 to all computers (*e.g.*, survey questions), and at least some of the information is accessible to certain computers (*e.g.*, survey results may be provided to industry stations), but not to other computers (*e.g.*, survey results may not be provided to consumer stations) (see also page 4, lines 11-14; page 5, lines 13-17; page 9, line 20 to page 10, line 1; page 10, lines 13-19; page 13, line 16 to page 14, line 2; page 14, lines 9-10; page 14, line 21 to page 15, line 3; page 17, line 20 to page 18, line 2; page 19, line 14 to page 20, line 2; and Figs. 2, 5 and 6).

Barney generally relates to mathematical and comparison algorithms used in the statistical patent rating of patents based on certain selected patent characteristics, such as the number of claims, the number of words per claim, the length of the patent, and the like (col. 11,

lines 38-59). Barney discloses that these characteristics are used to rate the patent. However, Barney further does not teach or suggest a survey module or posing one or more questions to said users regarding said consumer desirability of products incorporating the selected inventions and consolidating their responses. In fact, Barney is entirely silent with respect to posing one or more questions with regards to the consumer desirability of products.

Barney further does not teach or suggest a restricted access interface in communication with said host computer station and in communication with plural industry computer stations. Likewise, Barney does not teach or suggest (i) a publicly accessible interface and a restricted access interface whereby one or more questions are posed to users of consumer computer stations over the publicly accessible interface and an information summary is transferred to industry computer stations over the restricted access interface such that at least a portion of the information provided is limited to authorized users over the restricted access interface, or (ii) distinct consumer computer stations and industry computer stations which access a host computer station over different interfaces. Barney is entirely silent with respect to each of the above.

As stated in M.P.E.P. § 2143, a basic requirement for a *prima facie* case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. As the cited references do not teach or suggest the features of (i) a survey module or posing one or more questions to said users regarding said consumer desirability of products incorporating the selected inventions and consolidating their responses, (ii) a restricted access interface in communication with said host computer station and in communication with plural industry computer stations, (iii) a publicly accessible interface and a restricted access interface whereby one or more questions are posed to users of consumer computer stations over the publicly accessible interface and an information summary is transferred to industry computer stations over the restricted access interface, or (iv) distinct consumer computer stations and industry computer stations which access a host computer station over different interfaces, it is respectfully submitted the outstanding Office Action has not created a *prima facie* case of obviousness with regard to independent Claim 65, and the claims dependent therefrom.

Applicant submits that similar reasoning as above applies to independent Claims 66 and 69, and the claims dependent therefrom, with respect to Barney.

In addition, Barney claims priority to U.S. Provisional Application No. 60/154,006 filed on September 14, 1999. Submitted herewith is the Affidavit under 37 C.F.R. 1.131 of Martin S. Berger, the Applicant herein, together with accompanying **EXHIBIT A**. The Affidavit and accompanying **EXHIBIT A** establish that Applicant conceived and reduced to practice in the United States the invention disclosed and claimed in the above-identified application prior to September 14, 1999, the filing date of U.S. Provisional Application No. 60/154,066 and the earliest priority date of Barney.

Accordingly, it is respectfully requested this rejection be withdrawn.

CONCLUSION

In light of the arguments set forth above, Applicant respectfully submits that the Application is now in allowable form. Accordingly, Applicant respectfully requests consideration and allowance of the currently pending claims.

It is believed that no additional fees are due at this time. If this is incorrect, Applicant hereby authorizes the Commissioner to charge any fees, other than issue fees, that may be required by this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call Applicant's Attorney for any reason that would advance the current application to issue. Please reference Attorney Docket No. 125446-1001.

Dated: December 11, 2009

Respectfully submitted,
GARDERE WYNNE SEWELL LLP

/Karl L. Larson/
Karl L. Larson
Registration No. 41,141
ATTORNEY FOR APPLICANT

3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
(214) 999-4582 - Telephone
(214) 999-3623- Facsimile